

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

In re HAIN CELESTIAL HEAVY METALS
BABY FOOD LITIGATION,

This document relates to:

All Actions

Case No. 2:21-cv-0678-JS-AYS

**[PROPOSED] ORDER GRANTING
STEWART MOVANTS' MOTION FOR
APPOINTMENT OF LORI G. FELDMAN
AND REBECCA A. PETERSON AS
INTERIM CO-LEAD COUNSEL**

SEYBERT, District Judge:

WHEREAS, this matter comes before the Court on the Stewart Movants' Motion for Appointment of Lori G. Feldman and Rebecca A. Peterson as Interim Co-Lead Counsel. The Court being fully advised and for good cause shown, the Motion is hereby **GRANTED**.

Accordingly, IT IS HEREBY ORDERED THAT:

A. Appointments to Interim Counsel Leadership Structure.

1. Plaintiffs' Interim Co-Lead Counsel

The Court appoints Lori G. Feldman (George Gesten McDonald, PLLC) and Rebecca A. Peterson (Lockridge Grindal Nauen P.L.L.P) as Interim Co-Lead Counsel for all Plaintiffs in the above-referenced action (the "Consolidated Action"). Interim Co-Lead Counsel must assume responsibility for the following duties during all phases of the Consolidated Action:

- a) Coordinating the work of preparing and presenting all of Plaintiffs' claims in the Consolidated Action and otherwise coordinating all proceedings, including organizing and supervising the efforts of Plaintiffs' counsel in a manner to ensure that Plaintiffs' pretrial preparation is conducted effectively, efficiently, expeditiously, and economically;

- b) Delegating work responsibilities and monitoring the activities of all Plaintiffs' counsel in the Consolidated Action—including, but not limited to, those counsel serving on the Interim Executive Committee—in a manner to promote the orderly and efficient conduct of this litigation and to avoid unnecessary duplication and expense;
- c) Calling meetings of counsel for Plaintiffs in the Consolidated Action for any appropriate purpose, including coordinating responses to questions of other parties or of the Court, and initiating proposals, suggestions, schedules, and any other appropriate matters;
- d) Determining (after consultation with members of the Interim Executive Committee and other co-counsel as may be appropriate) and presenting (in briefs, oral argument, or such other fashion as he or his designee may deem appropriate) to the Court and opposing parties the position of the Plaintiffs in the Consolidated Action on all matters arising during pretrial (and, if appropriate, trial) proceedings;
- e) Serving as the primary contact for all communications between Plaintiffs and Defendant in the Consolidated Action, and acting as spokespersons for all Plaintiffs vis-à-vis Defendant and the Court;
- f) Directing and executing on behalf of Plaintiffs the filing of pleadings and other documents with the Court in the Consolidated Action;
- g) Appearing at all court hearings and conferences regarding the case as most appropriate for effective and efficient representation, and speaking for Plaintiffs in the Consolidated Action at all such hearings and conferences;
- h) Receiving and initiating communication with the Court and the Clerk of the Court (including receiving orders, notices, correspondence, and telephone calls) and dispensing the content of such communications among Plaintiffs' counsel in the Consolidated Action;
- i) Initiating and conducting discussions and negotiations with counsel for Defendant on all matters, including settlement in the Consolidated Action;
- j) Negotiating and entering into stipulations with opposing counsel as necessary for the conduct of the Consolidated Action;
- k) Initiating, coordinating, and conducting all discovery on behalf of Plaintiffs in the Consolidated Action and ensuring its efficiency;
- l) Selecting, consulting with, and employing experts for Plaintiffs, as necessary for the Consolidated Action;
- m) Encouraging and enforcing efficiency among all Plaintiffs' counsel in the Consolidated Action;

- n) Assessing Plaintiffs' counsel for the costs of the Consolidated Action;
- o) Consulting with the Interim Executive Committee to fulfill the Committee's obligations as Interim Co-Lead Counsel shall direct;
- p) Preparing and distributing periodic status reports to the Court and to the parties as ordered;
- q) Develop and recommend for Court approval practices and procedures pertaining to attorneys' fees and expenses as further detailed below and, on an ongoing basis, monitor and administer such procedures. At such time as may be appropriate, Interim Co-Lead Counsel also will recommend apportionment and allocation of fees and expenses subject to Court approval; and
- r) Performing such other duties as are necessary in connection with the prosecution of this Consolidated Action or as may be further directed by the Court.

2. Interim Executive Committee

The Court appoints as members of the Interim Executive Committee Catherine Sun-Yung Smith (Gustafson Gluek PLLC), Stephen R. Basser (Barrack Rodos & Bacine), and Susana Cruz Hodge (Lite DePalma Greenberg & Afandor, LLC) to work with Interim Co-Lead Counsel in this Consolidated Action.

The Interim Executive Committee may assist Interim Co-Lead Counsel with:

- a) Preparing the consolidated class action complaint and any subsequent amendments as necessary;
- b) Developing and negotiating relevant discovery protocols and stipulations/orders, drafting discovery requests to Defendant, and managing document review;
- c) Managing, implementing, and overseeing third party discovery;
- d) All matters regarding experts including preparing experts for and defending experts in depositions, and preparing for and taking depositions of opposing counsel's experts;
- e) Researching legal issues, preparing motions, and responding to motions;
- f) All other responsibilities as may deemed appropriate by Interim Co-Lead Counsel or as ordered by the Court.

B. Additional Matters

1. Settlement Discussions

Any discussions of a settlement of this litigation shall be conducted by Interim Co-Lead Counsel and any counsel designated by Interim Co-Lead Counsel.

2. Application of this Order

This Order applies to all actions included in the above-captioned consolidated matters and all subsequently consolidated actions.

Interim Co-Lead Counsel must serve a copy of this Order promptly by overnight delivery service, electronic mail, facsimile, or other expeditious electronic means on counsel for Plaintiffs in each related action not yet consolidated in this proceeding to the extent that Interim Co-Lead Counsel is aware of any such action(s) and on all attorneys for Plaintiffs whose cases have been so consolidated but who have not yet registered for ECF.

SO ORDERED.

Joanna Seybert, U.S.D.J.

Dated: June __, 2021
Central Islip, New York